

HOUSE BILL 756

L2, K3
HB 1098/10 – APP

11r2234

By: **Delegates Oaks, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Hammen, Harrison, Haynes, McHale, McIntosh, Mitchell, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington**

Introduced and read first time: February 10, 2011

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Binding Arbitration – Police Officers**

3 FOR the purpose of requiring binding arbitration between certain employee
4 organizations representing certain Baltimore City police officers and the City of
5 Baltimore under certain circumstances; applying certain procedures governing
6 binding arbitration for firefighters and fire officers to certain police officers;
7 authorizing a certain party to request arbitration by a certain board of
8 arbitration if a certain agreement is not reached by a certain date; authorizing
9 certain collective bargaining negotiations to continue until the first day of
10 arbitration; providing for the selection of a certain board of arbitration;
11 requiring a certain board of arbitration to consider certain matters; authorizing
12 the board of arbitration to order the implementation of a certain proposal or to
13 modify certain final offers to develop a new agreement; requiring the adoption of
14 certain salary and wage scales for certain police officers under certain
15 circumstances; making a technical change; establishing a certain cap on the cost
16 of an arbitration proceeding to be paid by the City of Baltimore in a fiscal year;
17 providing for a delayed effective date; and generally relating to binding
18 arbitration between certain police officers and the City of Baltimore.

19 BY repealing and reenacting, with amendments,
20 The Charter of Baltimore City
21 Article II – General Powers
22 Section (55)
23 (2007 Replacement Volume, as amended)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **The Charter of Baltimore City**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article II – General Powers

2 The Mayor and City Council of Baltimore shall have full power and authority to
3 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
4 Maryland or by any Public General or Public Local Laws of the State of Maryland; and
5 in particular, without limitation upon the foregoing, shall have power by ordinance, or
6 such other method as may be provided for in its Charter, subject to the provisions of
7 said Constitution and Public General Laws:

8 (55)

9 (a) To provide by ordinance an orderly procedure for participation by
10 municipal employees and their representatives in the formulation of labor relations
11 and personnel policies, recognizing the right of employees to organize and bargain
12 collectively through representatives of their own choosing and generally authorizing
13 the Mayor and City Council of Baltimore to provide for

14 (1) the manner of establishing units appropriate for collective
15 bargaining and of designating or selecting exclusive bargaining representatives;

16 (2) the rights of the employer, employees and the employee
17 organization designated as the exclusive representative in an appropriate unit;

18 (3) the procedure for the negotiation of a collective bargaining
19 agreement with respect to the terms and conditions of employment and the manner for
20 resolution of a negotiation impasse;

21 (4) the payment of a service fee, as a condition of continuing
22 employment, for administration of the collective bargaining agreement and the right of
23 the exclusive representative to the checkoff of dues or service fees;

24 (5) the designation of unfair labor practices and remedies for the
25 same;

26 (6) the definition of a grievance and the procedure for resolution; and

27 (7) other related matters to effectuate the ordinance.

28 The Mayor and City Council of Baltimore are authorized, consistent with
29 the provisions of the Charter of Baltimore City, to submit to binding arbitration any
30 dispute arising from the interpretation of, or the application of, any collective
31 bargaining agreement with an exclusive representative. Binding arbitration for fire
32 fighters [and], fire officers, **AND POLICE OFFICERS** shall be conducted as provided in
33 subsection (b).

1 This section does not authorize a strike by any municipal employee or
2 employees.

3 Until amended by ordinance, the presently existing municipal employee
4 relations ordinance shall remain in force and effect.

5 (b) (1) **(I)** If the certified employee organization or organizations
6 representing fire fighters and fire officers within the Fire Department and the
7 employer have not reached a written agreement concerning terms and conditions of
8 employment by March 1 of any year, either party may request arbitration by a board
9 of arbitration, as herein provided, which request must be honored.

10 **(II) 1. IF THE CERTIFIED EMPLOYEE ORGANIZATION OR**
11 **ORGANIZATIONS REPRESENTING POLICE OFFICERS WITHIN THE POLICE**
12 **DEPARTMENT AND THE EMPLOYER HAVE NOT REACHED A WRITTEN**
13 **AGREEMENT CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT BY APRIL**
14 **1 OF ANY YEAR, EITHER PARTY MAY REQUEST ARBITRATION BY A BOARD OF**
15 **ARBITRATION.**

16 **2. COLLECTIVE BARGAINING NEGOTIATIONS**
17 **BETWEEN A CERTIFIED EMPLOYEE ORGANIZATION OR ORGANIZATIONS**
18 **REPRESENTING POLICE OFFICERS WITHIN THE POLICE DEPARTMENT MAY**
19 **CONTINUE UNTIL THE FIRST DAY OF ARBITRATION.**

20 (2) The board of arbitration shall be composed of 3 members, 1
21 appointed by the Mayor, and 1 appointed jointly by the certified employee
22 organizations representing the fire fighters and fire officers **OR POLICE OFFICERS**
23 involved. These members shall be selected within 4 days of the request for arbitration.
24 The third member shall be selected within 4 additional days by the 2 arbitrators
25 previously chosen and in accordance with the procedures of the American Arbitration
26 Association from a list furnished by the Association. Such member selected shall act as
27 chairman of the board of arbitration.

28 The board of arbitration thus established shall commence the
29 arbitration proceedings within 7 days after the chairman is selected and shall make its
30 decision, by a majority vote, within 15 days after the commencement of the arbitration
31 proceedings. For good cause the chairman may extend the time requirement set forth
32 herein.

33 (3) Within 3 days after the selection of the chairman of the board of
34 arbitration, the Labor Commissioner or his designated representative shall provide to
35 each member of the board of arbitration and to all parties, a detailed itemization of the
36 last proposal made by the respective parties during the negotiations.

37 (4) The board of arbitration shall identify the major issues in the
38 dispute, review the positions of all parties and shall take into consideration wages,

1 benefits, hours, and other working conditions of other fire **OR POLICE** department and
2 public safety employees in Maryland as well as in comparable metropolitan political
3 subdivisions in other states, and shall also consider the value of other benefits
4 available to or received by other employees of the Mayor and City Council of Baltimore
5 as compared with private sector employees in the metropolitan Baltimore City area
6 and as compared with employees of other fire **OR POLICE** departments and other
7 public safety employees. The board of arbitration shall further consider consumer
8 prices for goods and services and other related items, cost of living data, and such
9 other factors, not confined to the foregoing, which are normally utilized in the
10 determination of wages and other benefits in the collective bargaining process, and
11 shall also take into account the financial condition of the City.

12 (5) The board of arbitration shall have the power to administer oaths,
13 compel the attendance of witnesses, and require the production of evidence by
14 subpoena.

15 (6) **(I) 1. THIS SUBPARAGRAPH APPLIES ONLY TO BINDING**
16 **ARBITRATION FOR FIREFIGHTERS AND FIRE OFFICERS.**

17 **2. The board of arbitration after hearing witnesses and**
18 **considering and receiving such written evidence as may be submitted shall, by written**
19 **decision, order the implementation, in its entirety, of the last proposal of one of the**
20 **respective parties previously submitted in accordance with [subparagraph (c) of this**
21 **section] PARAGRAPH (3) OF THIS SUBSECTION.**

22 **(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO BINDING**
23 **ARBITRATION FOR POLICE OFFICERS.**

24 **2. THE BOARD OF ARBITRATION, AFTER HEARING**
25 **WITNESSES AND CONSIDERING AND RECEIVING ANY WRITTEN EVIDENCE**
26 **SUBMITTED, SHALL ORDER THE IMPLEMENTATION OF A FINAL AGREEMENT BY**
27 **WRITTEN DECISION.**

28 **3. THE DECISION OF THE BOARD OF ARBITRATION**
29 **MAY:**

30 **A. ORDER THE IMPLEMENTATION IN ITS ENTIRETY**
31 **OF THE LAST PROPOSAL OF ONE OF THE RESPECTIVE PARTIES PREVIOUSLY**
32 **SUBMITTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION; OR**

33 **B. MODIFY THE FINAL OFFERS OF THE PARTIES IN**
34 **ORDER TO DEVELOP A NEW FINAL AGREEMENT.**

35 (7) The decision of the majority of the board of arbitration thus
36 established shall be final and binding upon the Mayor and City Council of Baltimore
37 and upon the certified employee organizations involved in the proceedings. No appeal

1 therefrom shall be allowed. Such decision shall constitute a mandate to the Mayor of
2 Baltimore City in respect to such matters which can be remedied administratively by
3 him, and as a mandate to the Board of Estimates and the City Council with respect to
4 matter(s) which require legislative action necessary to implement the decision of the
5 board of arbitration.

6 With respect to matters which require legislative action for
7 implementation, such legislation shall be enacted within 45 days following the date of
8 the arbitration decision.

9 With respect to salaries and wage scales, the amounts determined
10 by the final decision of the board of arbitration shall be included in the proposed
11 Ordinance of Estimates in accordance with Section 2(c)(1) of Article VI, shall not be
12 reduced by the City Council in accordance with Section 2(g) of Article VI, and shall be
13 adopted by the Board of Estimates as the salary and wage scales for employees of the
14 Fire Department **OR POLICE DEPARTMENT** in accordance with Section 5 of Article
15 VI.

16 (8) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
17 **THIS PARAGRAPH, THE** cost of the arbitration proceedings provided for herein shall
18 be borne equally by the parties involved.

19 (II) 1. **THIS SUBPARAGRAPH APPLIES ONLY TO BINDING**
20 **ARBITRATION FOR POLICE OFFICERS.**

21 2. **THE COST OF AN ARBITRATION PROCEEDING TO**
22 **BE PAID BY THE CITY OF BALTIMORE MAY NOT EXCEED \$15,000 IN A FISCAL**
23 **YEAR.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2013.